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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.	TRUVAN, LEYNNA THANH
1940 DUKE STREET	
ALEXANDRIA, VA 22314	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

1.   Claims 1-11 and 13-15 are now pending.

    Claim 12 is canceled by applicant.

2.   Claims 12-15 previously objected are now withdrawn.

3.   Claims 12-15 previously rejected under 35 U.S.C. 101 are now withdrawn

necessitated by amendment.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-11 and 13-15 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   *Claims 1-11 and 13-15 are rejected under 35 U.S.C. 102(e) as being*

anticipate by Soloman, et al. (US 7,127,066).

As per claim 1:

Easley discloses a method for protecting content within protected data areas on a target optical data <u>medium</u> against unauthorized reading and/or copying with a computer, comprising:

determining whether <u>an optical data medium inserted into a drive of the computer</u> **(col.8, lines 25-26)** <u>is the</u> target optical data <u>medium</u> or a non-target optical data <u>medium</u>, and **(col.4, lines 52-55 and col.18, lines 12-18)**

<u>when the inserted optical data medium is the</u> target optical data <u>medium</u>, **(col.3, lines 63-67)**

modifying read requests to the protected data areas so that <u>either</u> no data is read *or* the read data is <u>modified to be</u> useless, **and/or**

modifying write commands in respect to the data within the protected data areas to a recordable data <u>medium</u> *or* other storage **(col.3, lines 53-63)** so that the written data is <u>modified to be</u> useless. **(col.5, lines 11-15 and col.18, lines 50-63)**

Specification on pg.5 (lines 8-13) discusses target optical record carriers which suggest it is referring to the claimed the target optical data medium. Specification (pg.5, line 25 - pg.6, line 2) discloses the target optical record carriers might be distinguished from a non-target optical record carrier by special modifications or watermark and they are copy protected such that might carry a special sign that classifies it as a target optical carrier or a copy protection of some kind.

Soloman discloses DVDs as the an optical record carrier and a decision making capability superimposed by the DVD is accomplished by printing a photosensitive dye

onto a standard DVD to prevent protected content data from being read based on changes in photosensitive dye properties (col.3, lines 51-57). The discs have been designed to detect the presence or absence of an infrared photosensitive dye (col.4, lines 45-67 and col.14, lines 31-40) where different selections of the type of dye forming marks and different types of control key can be implemented to produce a form of counting logic prevent further reading of content data (col.18, lines 12-18). This corresponds to "determining whether an optical data medium inserted into a drive of the computer is the target optical data medium *or* a non-target optical data medium". Therefore, reads on the claimed target optical data medium because the DVD detected with the presence of the photosensitive dye comprises a special modification that have a copy protection of some kind.

As per claim 2: See col.13, lines 15-31; discussing <u>a method</u> according to claim 1, <u>wherein</u> modifying of read requests and/or of write commands is performed only if no authentication is available.

As per claim 3: See col.10, lines 20-34; discussing <u>a method</u> according to claim 1, <u>wherein</u> the determining and modifying steps are performed by routines implemented into a drive control layer within the computer.

As per claim 4: See col.11, lines 33-67; discussing <u>a method</u> according to claim 3, characterized <u>wherein</u> the routines replace a dispatch routine and a completion routine, and have the functionality to perform the determining and modifying steps and to call the replaced dispatch and completion routines for their execution based on the original or modified read requests and/or write commands.

As per claim 5: See col.3, lines 50-67 and col.13, lines 15-30; discussing <u>a method</u> according to claim 3, characterized <u>wherein</u> the routines are implemented by a driver that is installed by an executable that is automatically started when a target optical data carrier is inserted into the drive.

As per claim 6: See col.3, line 60-col.4, line 2 and col.13, lines 15-30; discussing <u>a method</u> according to claim 5, characterized <u>wherein</u> the driver gets is automatically loaded after each start of the computer, and/or does not comprise an unload routine, and/or changes its name randomly, and/or comprises file times that are set randomly, and/or comprises code that is changed randomly, and/or is installed multiple times, but is only one time active, and/or can be installed by installation programs spread all over the computer's system.

As per claim 7: See col.10, lines 20-25 and 56-67; discussing <u>a method</u> according to claim 5, characterized <u>wherein</u> the driver comprises a communication interface to allow an exchange of control data and/or authentication data.

As per claim 8: See col.5, lines 11-15 and col.18, lines 50-63; discussing <u>a method</u> according claim 1, characterized in that a target optical <u>medium</u> is distinguished from a non target optical data <u>medium</u> by evaluating a predetermined session of a optical data <u>medium</u> in respect to special modifications, and/or at least one of the tables of contents of the optical data <u>medium</u> in respect to special entries, and/or a predetermined session of the optical data <u>medium</u> in respect to special subcode modifications, and/or predetermined data stored on the optical data <u>medium</u> in respect to a watermark.

As per claim 9: See col.11, lines 7-20; discussing <u>a method</u> according claim 1, characterized <u>wherein</u> a protected data area is identified on basis of a sector type, and/or a range of sectors, and/or sectors that are subject of specific read sequences.

As per claim 10: See col.8, lines 25-30; discussing <u>a method</u> claim 1, characterized <u>wherein</u> a protected data area is defined by at least one predetermined area, and/or data stored on the optical data <u>medium</u> itself.

As per claim 11: See col.3, line 63 – col.4, line 8 ; discussing <u>a method</u> according to claim 1, characterized <u>wherein</u> the modifying of read requests so that the read data is useless, and/or the modifying of write commands so that the written data is useless comprises aborting a corresponding IO Request and/or IO Command with an error, and/or completing the corresponding IO Request and/or IO Command, but without processing the actual request and/or command, and/or modifying the respective data so that it is useless.

As per claim 13:

<u>a computer readable storage medium including computer executable instructions, which when executed by a processor, cause the processor to perform a method comprising:</u>

determining whether an optical data medium inserted into the drive **(col.8, lines 25-26)** of the computer is a target optical data medium or non-target optical data medium; and **(col.4, lines 52-55 and col.18, lines 12-18)**

<u>when the inserted optical data medium is the</u> target optical data <u>medium,</u> **(col.3, lines 63-67)**

modifying read requests to the protected data areas of the target optical data medium (col.3, lines 53-63) so that either no data is read or the read data is modified to be useless, and/or (col.5, lines 11-15 and col.18, lines 50-63)

modifying write commands in respect to the data within the protected data areas to a recordable data medium or other storage so that the written data is modified to be useless.

Specification on pg.5 (lines 8-13) discusses target optical record carriers which suggest it is referring to the claimed the target optical data medium. Specification (pg.5, line 25 - pg.6, line 2) discloses the target optical record carriers might be distinguished from a non-target optical record carrier by special modifications or watermark and they are copy protected such that might carry a special sign that classifies it as a target optical carrier or a copy protection of some kind.

Soloman discloses DVDs as the an optical record carrier and a decision making capability superimposed by the DVD is accomplished by printing a photosensitive dye onto a standard DVD to prevent protected content data from being read based on changes in photosensitive dye properties (col.3, lines 51-57). The discs have been designed to detect the presence or absence of an infrared photosensitive dye (col.4, lines 45-67 and col.14, lines 31-40) where different selections of the type of dye forming marks and different types of control key can be implemented to produce a form of counting logic prevent further reading of content data (col.18, lines 12-18). This corresponds to "determining whether an optical data medium inserted into a drive of the computer is the target optical data medium or a non-target optical data medium".

Therefore, reads on the claimed target optical data medium because the DVD detected

with the presence of the photosensitive dye comprises a special modification that have

a copy protection of some kind.

As per claim 14:

    <u>an optical data storage medium including protected areas and computer</u>

executable <u>instructions wherein when the optical data medium is inserted into a drive</u>

(col.8, lines 25-26) <u>of a computer, the computer executable instructions cause the</u>

<u>computer to identify the optical data storage medium as a target optical data medium</u>

<u>and to perform a method comprising:</u>   **(col.4, lines 52-55 and col.18, lines 12-18)**

    <u>modifying read requests to the protected data areas </u>**(col.3, lines 63-67)** <u>of the</u>

<u>target optical data medium </u>**(col.3, lines 53-63)**<u> so that either no data is read *or* the read</u>

<u>data is modified to be useless, and/or </u>**(col.5, lines 11-15 and col.18, lines 50-63)**

    <u>modifying write commands in respect to the data within the protected data areas</u>

<u>to a recordable data medium *or* other storage so that the written data is modified to be</u>

<u>useless.</u>

    Specification on pg.5 (lines 8-13) discusses target optical record carriers which

suggest it is referring to the claimed the target optical data medium. Specification (pg.5,

line 25 - pg.6, line 2) discloses the target optical record carriers might be distinguished

from a non-target optical record carrier by special modifications or watermark and they

are copy protected such that might carry a special sign that classifies it as a target

optical carrier or a copy protection of some kind.

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As per claim 15: See col.1, lines 13-15; discussing <u>an optical</u> data <u>storage medium</u> according to claim 14, <u>wherein</u> the <u>computer</u> executable <u>instructions are</u> arranged in a data session of a multi-session CD that also comprises an audio session.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leynna T. Truvan whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (9:00 - 5:00PM) and telework on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. T. T./
Examiner, Art Unit 2435

        /Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435